

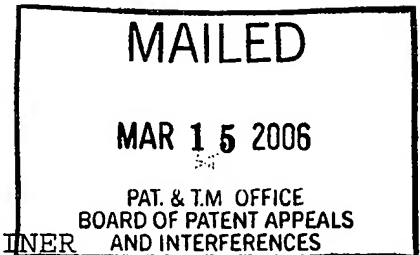
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte VIJAYESHWAR D. KHANNA and SRI M. SRI-JAYANTHA

Application 10/661,273

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on March 6, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing are identified below.

On December 14, 2005, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that it is not in compliance with the headings as required under 37 CFR § 41.37(c).

The Examiner's Answer mailed December 14, 2005, is defective, for it does not provide a list of references used in the rejection on appeal under the Heading "(8) Evidence Relied

Application 10/661,273

Upon", on page 3 of the Examiner's Answer. See the Manual of Patent Examiner Procedure (MPEP) § 1207.02, page 1200-29. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is return to the Examiner:

- 1) to vacate the Examiner's Answer mailed December 14, 2005, and submit a revised Examiner's Answer in accordance with the new rules effective September 13, 2004; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCE



DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

DMS/pgc

cc: John L. Rogitz
Rogitz & Associates
Suite 3120
750 B Street
San Diego, CA 92101